



March 18, 2025

The Honorable Anessa Hartman  
Chairwoman, Committee on Early Childhood and Human Services  
Oregon House of Representatives  
900 Court St. NE H-487  
Salem, OR 97301

**RE: Opposition to House Bill 3835 (Oregon)**

Dear Rep. Hartman:

Hope this letter finds you well. My name is Kyle Maichle, and I am the President and Board Chairman of Americans for Autism Advocacy (AFAA). AFAA is an IRS 501(c)4 organization registered with the Internal Revenue Service. AFAA is dedicated to advocating for economic, educational, ethics reform, and health care policies that benefit the neurodivergent communities at the state and federal levels.

On behalf of AFAA's board of directors, I am writing to submit testimony in opposition to House Bill 3835. We are basing our opposition solely on the issue of seclusion and restraint in Oregon schools. Before HB 3835's introduction, Oregon fully banned the use of chemical, mechanical, and physical restraints in the state's education system. HB 3835 is a step in the wrong direction at the wrong time for Oregon. AFAA bases its opposition on HB 3835 on these two factors.

**1. The Guiding Hands Trial in California Scheduled for May 2025 Should be the Impetus for the Oregon House of Representatives to Defeat HB 3835 in Committee**

AFAA briefed a select number of Congressional offices in Washington, D.C. relating to the Guiding Hands School case during the week of March 3, 2025. The case is based on allegations that three former staffers of the Guiding Hands School used a dangerous prone restraint that claimed the life of Max Benson. A 24-day jury trial is scheduled this May in El Dorado County, California. We cannot prejudge the outcome of the trial, but a unanimous guilty verdict should urge the Oregon Legislature to not advance HB 3835 out of committee. We must prepare that one or more bills will be introduced this year in Congress calling for a federal ban on seclusion and restraint. Any federal ban on seclusion and restraint must be advanced that this is a civil rights issue for neurodivergent students. U.S. Senator Chris Murphy (D-Connecticut) [will likely re-introduce legislation](#) in 2025 calling for a federal ban on seclusion and restraint in schools. Despite Senator Murphy's efforts, his legislation would only [affect nearly 17,000 school districts that receive federal funding](#). AFAA will be working with Congress to encourage a stronger bill that would apply to any school district that participates in the school lunch program governed by the U.S. Department of Agriculture. The school lunch program applies [to over 100,000 school districts in the United States](#). Any new federal legislation on seclusion and restraint should have fair and equal coverage to all school districts. Senator Murphy's legislation is based on an overbroad definition that would only apply to a limited number of school districts .

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**2. House Bill 3835 Would Create Loopholes that Allow Education Staff to Use Restraint on Students and Roll Back Oregon's Strong Protections Under Law.**

[According to a 2023 report by the Times Union](#), Oregon fully bans the use of chemical, mechanical, and physical restraints under any circumstance. One of the major reasons why AFAA is opposed to HB 3835 is that the bill contains loopholes that would reinstate the use of physical restraint on students in educational settings. Page 5, Section 4 of HB 3835 outlines the use of the following loopholes that restraint could be used:

*Restraint may be used on a student in a public education program only if the restraint is imposed by personnel of the public education program or school district and if:*

- *The student's behavior poses a risk of imminent serious physical harm to the student or others, including animals;*
- *A less restrictive intervention will not effectively reduce that risk;*
- *The least amount of physical force or contact necessary to mitigate that risk is used;*
- *The restraint used is not prohibited under ORS 339.288; and*
- *The restraint used is not wrongful restraint, as described in section 1 of this 2025 Act.*

AFAA will oppose any effort in any state legislature that would allow the use of any restraint in schools including prone, physical restraints. Prone restraint usage led to the death of Max Benson and is the issue California's courts are considering in the Guiding Hands trial. Oregon should be focused on pairing school staff with trained behavioral health specialists on positive behavior intervention.

Oregon lawmakers are better served to defeat this bill in committee and start working on more substantial discussions to improve behavior intervention for neurodivergent students. We urge your committee to not advance HB 3835 and work towards more humane solutions.

Thank you for your time and consideration and I look forward to your questions.

Very Respectfully,



Mr. Kyle Maichle  
President and Board Chairman  
Americans for Autism Advocacy

Cc: Rep. Anna Scharf, Madam Ranking Member, Oregon House of Representatives Committee on Early Childhood and Human Services